

**REMARKS**

Applicants thank the Examiner for the courtesies extended during the Interview on July 24, 2008.

Claims 1, 20, 21 and 40 are amended to recite that there is a difference in refractive index between the optical path control layer and the visual-side substrate not larger than 0.15, and that the optical path control layer has a refractive index higher by 0.05 or more than that of the low-refractive-index transparent layer. Support for the amendments to the claims is found, for example at page 41, lines 5-7 and lines 13-17. No new matter is presented.

**II. Response to Obviousness-Type Double Patenting**

Claims 1 and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 09/898,060.

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of copending Application No. 09/878,268.

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of copending Application No. 10/225,532.

For the record Applicants note that U. S App. No. 09/898,060 issued as U.S. Patent No. 6,866,393 on March 15, 2005; U.S. App. Ser. No. 09/878,268 issued as U.S. Patent No. 6,950,155 on September 27, 2005; and U.S. App. Ser. No. 10/225,532 issued as U.S. Patent No. 7,030,945 on April 18, 2006.

Applicants respectfully traverse the obviousness-type double patenting rejections and submit that the present claims are amended herein and the presently claimed subject matter is not an obvious variant of claim 1 of each of US '393, US '155 and US '945.

Accordingly, Applicants respectfully request withdrawal of the obviousness-type double patenting rejections.

## **II. Response to Claim Rejections under 35 U.S.C. § 103**

**(1).** In paragraph 2 of the Office Action, claims 1-8, 12-14, 20-28, 32-34 and 40-44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Masuda et al, U.S. Patent No. 6,340,999 B1, in view of Egawa et al, U.S. Patent No. 6,295,104 B1.

**(2).** In paragraph 3 of the Office Action, claims 13, 14, 33 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Masuda in view of Egawa, as applied to claims 1 and 7 above, in view of Evanicky et al, U.S. Patent No. 6,243,068 B1.

**(3).** In paragraph 4 of the Office Action, claims 9-11, 15-17, 29-31 and 35-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Masuda in view of Egawa, as applied to claims 1 and 7 above, in view of Yano et al, Japanese Patent Abstract Publication 11-326903.

**(4).** In paragraph 5 of the Office Action, claims 18, 19, 38 and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Masuda in view of Egawa, as applied to claim 1 above, in view of Nemoto et al, U. S. Patent No. 6,456,344 B1.

**(5).** In paragraph 6 of the Office Action, claims 1-8, 12-14, 20-28, 32-34 and 40-44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Masuda et al, U.S. Patent No.

6,340,999 B1, in view of Yang et al, U.S. Patent No. 6,323,919 B1, and further in view of Egawa et al, U.S. Patent No. 6,295,104 B1.

(6). In paragraph 7 of the Office Action, claims 13, 14, 33 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Masuda in view of Yang and Egawa, as applied to claims 1 and 7 above, in view of Evanicky et al, U. S. Patent No. 6,243,068 B1.

(7). In paragraph 8 of the Office Action, claims 9-11, 15-17, 29-31 and 35-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Masuda in view of Yang and Egawa, as applied to claims 1 and 7 above, in view of Yano et al Japanese Patent Abstract Publication No. 11-326903.

(8). In paragraph 9 of the Office Action, claims 18, 19, 38 and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Masuda in vie of Yang and Egawa, as applied to claim 1 above, in view of Nemoto et al U. S. Patent No. 6,456,344 B1.

With respect to the rejections in paragraphs (1)-(4) above, the Examiner's position that the light guide 3 of Masuda is part of the visual-side substrate, i.e., the visual-side substrate is comprised of the light guide and the integral optical path control layer formed into its uppermost layer. The Examiner's position with respect to the rejections in paragraph (5)-(8) above are similar to those in paragraphs (1)-(4) above, expect that the Examiner additionally relies on Yang et al as teaching in Figure 1B, an optical path control layer, 12, having a repetitive structure of optical path changing slopes, on an outer side of the visual-side substrate, 11, that is not distinct or not integral to the transparent substrate.

Without conceding the merits of the rejection, independent claims 1, 20, 21 and 40 are amended herein to recite that that there is a difference in refractive index between the optical

path control layer and the visual-side substrate not larger than 0.15, and that the optical path control layer has a refractive index higher by 0.05 or more than that of the low-refractive-index transparent layer. These features are not taught or suggested by Masuda.

Further, Egawa, which is cited in connection with an angle of slopes, does not remedy the deficiencies of Masuda. Therefore, the presently claimed subject matter is not disclosed or suggested, even when the disclosures of Masuda and Egawa are combined in the manner proposed by the Examiner. None of the other secondary references cures the deficiency noted herein with respect to Masuda and Egawa. Thus, the cited references, whether taken alone or in combination, do not render the present invention obvious.

Accordingly, applicants respectfully request withdrawal of the §103 rejections.

### **III. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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